

Ken McLaughlin

From: Henry Willett <hwillett@cblaw.com>
Sent: Thursday, December 2, 2021 12:34 PM
To: Ken McLaughlin; 'Larry Laubscher'
Cc: Garfield Goodrum; Decker Wentz; Ashley Schmitz
Subject: RE: Emerson Creek Pottery v. Countryview Pottery Co., et al. - Statement for Discovery Conference

Follow Up Flag: Follow up
Flag Status: Completed

Ken,

Despite your mischaracterizations, we merely followed the proscribed procedures for discovery disputes in the Pretrial Order, that must take place prior to the submission of a motion to compel. After four letters from us, in person discussions, and your letter dated November 11, 2021, your position that you will not be producing any additional documents in response to the identified requests is beyond clear.

As you know, chambers asked for a joint statement about the discovery dispute from the parties on Monday, more than three days ago, and for that statement to be filed today by 4:00 p.m. We have provided our position on that to you, so that you can insert your position into the joint statement. Please let us know if you intend to do so. Likewise, if you intend to raise issues related to deadlines and the pre-trial schedule, please let us know, so that we may respond.

Thanks,
Henry

From: Ken McLaughlin <kmclaughlin@ma-lawpc.com>
Sent: Thursday, December 2, 2021 11:24 AM
To: Ashley Schmitz <ASchmitz@cblaw.com>; 'Larry Laubscher' <LLaubscher@Laubscherlaw.com>
Cc: Henry Willett <hwillett@cblaw.com>; Garfield Goodrum <garfield.goodrum@GDRMLAW.NET>; Decker Wentz <Decker.Wentz@GDRMLAW.NET>
Subject: [EXTERNAL SENDER, USE CAUTION] RE: Emerson Creek Pottery v. Countryview Pottery Co., et al. - Statement for Discovery Conference

Henry,

This is nothing short of an unnoticed motion to compel, attempted under the guise of an informal discovery conference which you attempted to schedule through an initial ex parte communication with the court. Providing us hours to respond is inappropriate. Your statements are not factually accurate. I don't know how things are done in Virginia, but in Illinois, an informal discovery conference is used to reset dates and remaining discovery, not to shoehorn a motion. I reached out to you and Garfield the day after the depositions, and was repeatedly informed how unavailable you both were, yet since that time you have found time to produce additional documents, tender a purported expert's report, and prepare the attached document. I am quite certain the Virginia rules presume good faith discussions between the attorneys in advance of the discovery conference. This is not good faith.

Ken

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From: Ashley Schmitz <ASchmitz@cblaw.com>
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Cc: Henry Willett <hwillett@cblaw.com>; Garfield Goodrum <garfield.goodrum@GDRMLAW.NET>; Decker Wentz <Decker.Wentz@GDRMLAW.NET>
Subject: Emerson Creek Pottery v. Countryview Pottery Co., et al. - Statement for Discovery Conference

Good morning,

Attached please find Plaintiff's statement for tomorrow's discovery conference. Please add Defendants' portion and send the attached back to us in time for filing by 4:00 p.m. today.

Please let me know if you have any questions,

Ashley

Ashley Schmitz
Legal Assistant
CHRISTIAN & BARTON LLP

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Please note our new address effective April 12, 2021